

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ARRON KING,

Case No. 24-CV-2432 (JWB/JFD)

Plaintiff,

v.

REPORT AND RECOMMENDATION

BELLINGER, Officer DOC,

Defendant.

In an Order dated July 19, 2024, this Court directed Plaintiff Arron King to submit an IFP application or a facility trust account statement from which his initial partial filing fee could be calculated, as required by 28 U.S.C. § 1915(b). (Dkt. No. 3.) Mr. King was given 21 days to do this, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See Fed. R. Civ. P. 41(b).*

That deadline has now passed, and Mr. King has not submitted the required documentation. In fact, Mr. King has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given to Mr. King, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

Based upon the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: August 26, 2024

s/ John F. Docherty

JOHN F. DOCHERTY

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).